



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO.188 OF 2009**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF V.K *alias* R.B – MINOR**

**W.K.W.....1<sup>ST</sup> APPLICANT**

**L.W.W.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The applicants, W.K.W and L.W.W, are husband and wife. They were married on 29<sup>th</sup> May 1993 under the **African Christian Marriage and Divorce Act**. The applicants are respectively employed as finance officer and finance assistant. The applicants have been blessed with one child, a boy born on 22<sup>nd</sup> August 1997. The applicants have been unable to have another child since the 2<sup>nd</sup> applicant underwent an operation which went wrong and resulted in the 2<sup>nd</sup> applicant being unable to conceive another child. The applicants made a decision to adopt a child since they desire to have more children. V.K alias R.B, the child to whom these adoption proceedings relate, was on 17<sup>th</sup> February 2005 abandoned by her mother soon after birth at Kakamega Provincial General Hospital. The report of the abandonment was made to Kakamega police station. The child was admitted to New Life Home Kisumu on 29<sup>th</sup> April 2005. She was later transferred to New Life Home Nairobi on 5<sup>th</sup> May 2005. The child was placed under the care and custody of the said New Life Home by the Children’s Court at Kakamega pending further proceedings of this court. The child was placed under the custody of the applicants on 6<sup>th</sup> June 2006 for compulsory foster care prior to adoption. The child has been under the care and custody of the applicants since that date.

The applicants were assessed by Little Angels Network, a duly registered adoption society, and the Director of Children Services. Reports have been filed in court by the two organizations. They are favourable and recommend the applicants be allowed to adopt the child. This court has also read the report prepared by Rose Wambui Ng’ang’a, the guardian ad litem. She also recommends the adoption of the child by the applicants. From the said reports, it was clear that the applicants have fulfilled the legal requirements for a local adoption. The child was abandoned at birth by her biological mother. Since the said abandonment, no one has claimed the child. The police were unable to trace the biological parents of the child. This court therefore dispenses with the consent of the biological parents. The child was declared free for adoption by Little Angels Network Adoption Society on 13<sup>th</sup> September 2006. A certificate to that effect was issued and is in the court record. The child has been under the continuous care and custody of the applicants since 6<sup>th</sup> June 2006. This court observed the child in the company of the applicants during these adoption proceedings. It was clear to the court that the child has bonded with the applicants. It is evident from the reports filed that the applicants have the financial and emotional capacity and capability to take care of the child.

This court formed the opinion that it would be in the best interest of the child for the child to be adopted by the applicants. The applicants will provide a home and a family for the child to grow up and be a

useful member of the society. The applicants will be required to execute an undertaking that they shall assume all the parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if she was born to them in their marriage; they have been made aware that once the adoption order is issued, it shall be final and binding during the lifetime of the child that they shall adopt; that the child shall have the right to inherit their property; that an adoption order cannot be recanted, and further, that they shall not give up the child owing to any subsequent unforeseen behaviours or other changes in the child.

In the premises therefore, this court will allow the applicants' application to adopt the child. The applicants, W.K.W and L.W.W, are hereby authorized to adopt baby V.K alias R.B. Henceforth, the child shall be known as R.M.W. P.K.M is hereby appointed to be the legal guardian of the child should misfortune befall the applicants. The Registrar General is hereby directed to enter this adoption order in the Adoption Register. The guardian ad litem is hereby discharged.

**DATED AT NAIROBI THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2010**

**L. KIMARU**  
**JUDGE**